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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,535	10/25/2001	Markus Feurer	KS-115PCT	1455
7590	02/24/2004		EXAMINER	
Friedrich Kueffner Suite 1921 342 Madison Avenue New York, NY 10173			LAZOR, MICHELLE A	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/069,535	FEURER, MARKUS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michelle A Lazor	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.  
 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
 a) The translation of the foreign language provisional application has been received.  
 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10/25/01.  
 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other:

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sealing sleeve must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities: “ceiling the cavity” is misspelled. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1 – 3 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Keller et al. (U.S. Patent No. 6063315).

Regarding Claims 1, 2, and 5, Keller et al. disclose a method for shaping hollow boards or panels of thermoplastic material having at least one open cavity in the interior of the board open toward the board edge, for example, where air (38, 40, 42) is introduced into the mold, wherein the cavity in the interior of the board is sealed by compressing the board edge, and wherein the board or panel is shaped by heating (column 7, lines 19 – 40), and in the softened state is shaped by external loading with a shaping pressure while the cavity is closed off to the exterior in a substantially gas-tight way (column 7, line 64 – column 8, line 23), wherein the cavity is sealed while leaving open at least one supply opening for the filling medium or gas/air to be supplied to the cavity (Figure 4; column 5, line 57 – column 6, line 8). Thus Keller et al. disclose all the limitations of Claims 1, 2, and 5, and anticipate the claimed invention.

Regarding Claim 3, Keller et al. is considered to disclose a sealing sleeve placed onto the board edge for sealing the cavity (Figure 4 – edges of top mold half (24) to bottom mold half (26)). Thus Keller et al. disclose all the limitations of Claim 3, and anticipate the claimed invention.

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5. Claims 1 – 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Hara et al. (U.S. Patent No. 5277865).

Regarding Claims 1, 2, and 5, Hara et al. disclose a method for shaping hollow boards or panels of thermoplastic material having at least one open cavity in the interior of the board open toward the board edge, for example, where air (9) is introduced into the mold, wherein the cavity in the interior of the board is sealed by compressing the board edge, and wherein the board or panel is shaped by heating, and in the softened state is shaped by external loading with a shaping pressure while the cavity is closed off to the exterior in a substantially gas-tight way (column 2, lines 58 – 64), wherein the cavity is sealed while leaving open at least one supply opening for the filling medium or gas to be supplied to the cavity (Figures 1 and 3A-D; column 2, line 65 – column 3, line 17). Thus Hara et al. disclose all the limitations of Claims 1, 2, and 5, and anticipate the claimed invention.

Regarding Claim 3, Hara et al. are considered to disclose a sealing sleeve placed onto the board edge for sealing the cavity (Figure 1 – edges of movable mold (4) to fixed mold (5)). Thus Hara et al. disclose all the limitations of Claim 3, and anticipate the claimed invention.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller et al. or Hara et al. as applied in Claim 1 above, in view of Baxi (U.S. Patent No. 5198240).

Both Keller et al. and Hara et al. disclose all the limitations of Claim 1, but do not disclose the filling medium temperature to surpass the initial temperature of the hollow board or panel to be shaped, and does not disclose using steam as a filling medium. However, Baxi disclose the filling medium temperature to surpass the initial temperature of the hollow board or panel to be shaped, assuming steam, a filling medium, is considered to be at a temperature substantially higher than molten thermoplastic (column 4, lines 10 – 29). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use steam as a filling medium with a temperature that surpasses the initial temperature of the hollow board or panel to be shaped to enhance expanding and shaping of the thermoplastic material.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle A Lazor whose telephone number is 571-272-1232. The examiner can normally be reached on Mon - Wed 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

  
MAL  
1/27/04

  
MICHAEL COLAIANNI  
PRIMARY EXAMINER